

***City of Portsmouth, Virginia***

2022 Virginia General Assembly

Legislative Package



Adopted

November 23, 2021



**Portsmouth City Council**

*The Honorable Shannon E. Glover, Mayor*  
*The Honorable DeAndre A. Barnes, Vice Mayor*  
*The Honorable William E. Moody, Jr.*  
*The Honorable Lisa L. Lucas-Burke*  
*The Honorable Paul J. Battle*  
*The Honorable Dr. Mark M. Whittaker*  
*The Honorable Christopher Woodard Jr.*

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## Preface

The City Council of Portsmouth submits our 2022 State Legislative Package to our honorable Virginia General Assembly Delegation for your review, consideration, and support of the items contained within. These initiatives were vetted and adopted by this City Council via unanimous consent on November 9, 2021. The issues addressed within reflect City Council's 2017 Vision Principles:

- ***Prosperous Port***
- ***Lifelong Learning***
- ***Safe and Friendly Communities***

Unfortunately, the COVID-19 pandemic which began impacting all levels of governance and our citizenry in 2020, continues to plague us. Although we have adjusted to the “*new normal*”, many adjustments continue to be made in the way we work, learn and play. Despite these trying times we all had to deal with, the City of Portsmouth has successfully continued to conduct the business of the people. We thank our state and federal legislative delegation members for all they have done and continue to do to aid local governments and our mutual constituencies to weather these troubled times in which we find ourselves living. The federal CARES Act of 2020 and the ARPA 2021 grants, appropriations and programs at the state and federal levels have all been invaluable. Not only for Portsmouth, but also the Commonwealth of Virginia and our nation.

Although this pandemic has reaped many the negative impacts on portions of our economy, our state legislators' strategic leadership, planning, and prudent spending resulted once again in Virginia being awarded the title of “The best state to do business in”. Our AAA Bond rating has been sustained, and our state's coffers are full, with potentially more than \$2B state General Fund profits available for allocation during the upcoming General Assembly Session. There is also over \$1B left of the ARPA 2021 state allocation remaining for distribution for COVID-19 related expenditures.

It is, therefore, our contention that with the Commonwealth of Virginia's current unique financial position, our legislators should be able to address many of the funding needs that have yet to be addressed. These needs include items such as increasing the funding for our local police (599 Fund) and providing funding for the K-12 Education Non-SOL positions. Furthermore, with the flush of revenue the state currently has, we assert that this is a prime time to address the financial burden on our city, our citizens, commuters (including our military members and their families), and our business communities, affected by the ever-increasing tolls on the Downtown and Midtown Tunnels.

To that effect, our 2022 General Assembly Legislative Initiatives includes three legislative initiatives, and two budget amendments:

1. Charter Amendment - Noninterference in Appointments or Removals

2. Charter Amendment – Modify Recall Provision
3. Creation of an adjunct toll relief program for Portsmouth and Norfolk residents netting between \$30,000.01 and \$45,000
4. Increase funding for the Port Host Communities Revitalization Fund, and
5. Modification of the Emergency Shelters Upgrade Grant allowing local government's that operate but do not own their shelters to participate in the program, and increase funding for the grant

We also seek your support for several regional and statewide public policy initiatives, to include removal of the cap for K-12 non-SOL support positions and the creation of Virginia Commonwealth Flood Board.

The Portsmouth City Council remains grateful for all your hard work, and support of our past requests and concerns. We have always enjoyed a wonderful working relationship with our General Assembly Delegation and hope to continue our fruitful collaboration regarding all matters of importance to our city.

By way of submitting our 2022 Legislative Initiatives Package to you, we are seeking your continued support for these matters, as well as with all other legislative, budgetary matters, and public policy positions that may arise during the upcoming General Assembly Session. Finally, we thank you for your service to our city and this Commonwealth. We look forward to working with you again in the upcoming legislative season.

**A RESOLUTION ENDORSING THE CITY'S 2022 GENERAL ASSEMBLY LEGISLATIVE PACKAGE.**

WHEREAS, the Virginia General Assembly deals with a broad range of issues that affect local government both directly and indirectly; and

WHEREAS, the City of Portsmouth has certain concerns that deal with both Portsmouth specifically and local governments in general; and

WHEREAS, these concerns need to be made known to Portsmouth's General Assembly delegation so that they may be transmitted for consideration by the Legislature.

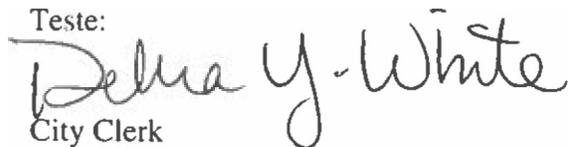
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Portsmouth, Virginia, that it hereby endorses the positions listed on Exhibit A hereto for inclusion in the Legislative Package for the 2022 General Assembly session.

BE IT FURTHER RESOLVED that the City Manager is directed to provide a copy of this Resolution and the 2022 Legislative Package to each member of the City's General Assembly delegation.

BE IT FURTHER RESOLVED that the City Manager and/or his designee(s) are hereby authorized and directed to provide necessary input and clarification during the 2022 Virginia General Assembly session and to carry out other activities as needed to assist in attaining the goals and objectives contained in the City's 2022 Legislative Package.

ADOPTED by the Council of the City of Portsmouth, Virginia, at a meeting held on November 23, 2021.

Teste:

  
City Clerk

# **2022 Legislative/Budget Requests**

## A. Charter Amendment

### ***Legislative Request:***

#### **Amend the Charter of the City of Portsmouth, Virginia by amending Section 3.11 Regarding Noninterference in Appointments or Removals**

The Portsmouth City Council requests that the Virginia General Assembly revise our City Charter to modify the language regarding Noninterference in Appointments or Removals (Section 3.11) as set out below:

Neither the city council nor any of its members shall direct or request the appointment of any person to or the removal of any person from any office or employment by the city manager or by any of the manager's subordinates, or in any way take part in the appointment of or removal of officers and employees of the city except as specifically provided in this Charter. Except for the purpose of inquiry, the city council and its members shall deal with the administrative services of the city solely through the city manager. Neither the city council nor any member thereof shall give orders either publicly or privately to any subordinate of the city manager. Any council member violating the provisions of this section or voting for a motion, resolution, or ordinance in violation of this section shall be guilty of a class three misdemeanor and upon conviction thereof shall forfeit office as a council member.

#### **Sec. 3.11. – Noninterference in appointments or removals.**

Neither the city council nor any of its members shall direct or request the appointment of any person to or the removal of any person from any office or employment by the city manager or by any of the manager's subordinates, or in any way take part in the appointment of or removal of officers and employees of the city except as specifically provided in this Charter. Except for the purpose of inquiry, the city council and its members shall deal with the administrative services of the city solely through the city manager. Neither the city council nor any member thereof shall give orders either publicly or privately to any subordinate of the city manager. ~~Any council member violating the provisions of this section or voting for a motion, resolution or ordinance in violation of this section shall be guilty of a class three misdemeanor and upon conviction thereof shall forfeit office as a council member.~~ Any member of city council who violates this section shall, upon motion of another member of council and a majority vote of all members of council, be subject to public censure and a fine of not to exceed \$100.

## B. Charter Amendment

### ***Legislative Request: Modification of the current recall provision (Section 12.09 of the Portsmouth City Charter)***

The Portsmouth City Council requests that the Virginia General Assembly revise our City Charter to modify our current recall provisions (Section 12.-09) as set out below:

**Sec. 12.09. Recall of elective officers.**

(a) Any elective officer, or officer who has been appointed to fill an elective office, of the city may be removed from office at any time after one year from the beginning of the term of office by the electors qualified to vote for a successor for such incumbent. Such officers can only be removed under this section for (1) neglect of duty, misuse of office, or incompetence in the performance of duties when that neglect of duty, misuse of office, or incompetence in the performance of duties has a material adverse effect upon the conduct of the office; or (2) conviction of a misdemeanor after all rights of appeal have been terminated that would have a material adverse effect upon the conduct of such office. The procedure to affect such removal shall be as hereinafter set forth.

(b) A petition signed by electors equal in number to at least thirty (30) percent of the electors of the city voting for governor in the last preceding gubernatorial election and demanding the election of a successor of the officer sought to be removed, shall be filed with the clerk of the circuit court. The petition shall contain a general specific statement of the grounds, as described above, upon which the election of a successor is sought. Such petition may be filed at any time after one year has elapsed since the beginning of the term of the official sought to be removed. Each signer shall include the number and street of his or her residence in the city, and the date he or she signed the petition. Such petition may be in the form of separate papers, but each separate paper to which signatures are appended shall contain at the top thereof the original petition or a duplicate statement thereof, and when bound together and offered for filing, such separate papers shall be deemed to constitute one petition with respect to the election of the successor of the officer or officers named therein. One (1) of the signers of such petition shall make oath before a proper official that the statements made therein are true, as he or she believes, and upon such separate paper, the circulator of the petition to which signatures are appended shall make oath that each signature to such paper is the genuine signature of the person whose name it purports to be, and that it was signed in his or her presence.

(c) If it appears that the statement of grounds is adequate, and that the petition is signed by the requisite percentage of electors, the same shall be accepted as prima facie regular and sufficient, but it shall be subject to summary review in the same manner as provided in section 12.08 of this chapter. In addition, a judge of the Circuit Court may hold a hearing and take evidence to determine the sufficiency of the petition.

*{Subsections (d)-(g) of Section 12.09 are to remain in effect without amendment}*

## **C. Permanent Elimination/Significant Permanent Reduction of the Midtown/Downtown Tunnels Tolls**

### ***Legislative Request:***

The Portsmouth City Council requests that the Virginia General Assembly create a supplemental toll-relief program for persons in Portsmouth and Norfolk annually netting between \$30,001 - \$45,000 using \$3.5 million of the reserved ARPA funds. Although, the preferable action would be to permanently eliminate these tolls, in lieu of that occurring, approving, and funding this supplemental toll-relief program brings this matter a step-closer to achieving the goal of providing significant and permanent relief by expanding the reduction of these tolls for those persons that can least afford them.

### **Background:**

The tolling debacle on the Downtown and Midtown Tunnels between Portsmouth and Norfolk has been problematic and burdensome on many of the economically challenged commuters of these cities who must use these crossings daily. Since the inception of this public-private partnership nearly 10-years ago (2012), there has been a huge outcry from the citizens of Portsmouth and Norfolk to reduce and or eliminate the onerous tolling agreement the state of Virginia entered with the original developers and owners, Elizabeth River Crossings, LLC. (ERC)

Since that time several actions have been taken to address this problem to include:

- In 2012, Governor McAuliffe negotiated a deal with ERC resulting in initial lower amounts for the tolls during the completion of the project, and ERC agreed to pay \$500,000 annually for 10 years toward a toll-relief program for eligible residents of Norfolk and Portsmouth.
- This latter agreement for the toll-relief program was extended in 2020 under the state's agreement with the new concessionaires of the Elizabeth Rivers Tunnels.
- In 2021, Governor Northam negotiated an agreement with the Elizabeth Rivers Tunnels concessionaires to expand the toll-relief program by increasing the fund by \$3 million annually providing an opportunity for more persons with a net income of \$30,000 or less to participate in the program and extending the program through 2030.
- The new toll relief program also changed the way the toll relief could be received and the amount of relief:
  - Rather than having to take several trips before the relief would take effect, it is now instantaneous, and

- Rather than a .75 cents reimbursement per trip for the ever-increasing tolls, the new program is set at 50% reimbursement for each trip taken through the tunnels

While the new credits provided by Governor Northam in conjunction with Elizabeth River Crossings, LLC is a welcome step in the right direction, the expanded program will only enable more people in Portsmouth and Norfolk that net \$30,000 annually or less to participate in the toll-relief program. We strongly believe that the capped \$30,000 net income level is too low. Especially in the current economy in which we find ourselves with increases in the cost of living. All basic needs such as rent, food, gas, clothing, health care, etc., have risen. Creating a supplemental toll-relief program of this nature will provide a greater amount of relief for our cities' commuting struggling households.

Creating long term sustainable and permanent relief can be better achieved through the creation of a supplementary toll-relief program providing aide to persons annually netting between \$30,000.01 and \$45,000. This program can easily be implemented as an adjunct to the existing toll-relief program. This program can be funded initially using a small portion of their ARPA dollars, approximately \$3.5 million (matching the current amount allotted for the expanded toll relief program). Persons falling in this income category delta are considered **Asset Limited Income Constrained, Employed (ALICE)**<sup>1</sup>, workers. They tend to work many jobs important to our economy, are paid hourly, and work without benefits. This category includes workers such as clerks, teacher's aides, day-care workers, cashiers, nursing assistants, servers, laborers, security guards, secretaries, etc. Many of these persons are the same ones currently benefiting from the existing toll-relief program, or would have benefited from the expanded toll relief program, but due to a slight increase in their hourly wages, they will be disqualified because their net income rises slightly above the \$30,000 net income cap.

In December of 2020 the Chairs of the Hampton Roads Planning District Commission (HRPDC) the Hampton Roads Transportation Planning Organization (HRTPO) and the Hampton Roads Transportation Accountability Commission (HRTAC) joined their voices on behalf of its membership and passed a Proclamation which was sent to Governor Northam and the money committee members of the Virginia General Assembly expressing their support of efforts to mitigate the impact of these tolls.<sup>2</sup>

#### ***D. Amend § 44-146.29:3. Emergency Shelters Upgrade Assistance Grant Fund***

##### ***Legislative/Budget Request:***

- a. Amend this Chapter of the Code of Virginia to enable localities that operate but do not own their shelters to participate in this grant program

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<sup>1</sup> "ALICE in Virginia – A Financial Hardship Study" United Ways of Virginia – 2020 Report- [UnitedForALICE.org/Virginia](https://www.unitedforalice.org/virginia)

<sup>2</sup> HRPDC/HRTPO/HRTAC 2020 "A Proclamation of the Hampton Roads Region Supporting Efforts to Mitigate the Impact of the Downtown and Midtown Tunnel Tolls on our region's Residents"

- b. Increase this Fund by \$2.5M making the annually available amount in the Fund \$5M.

**Background:**

This fund was created from an initiative advocated for in the City of Portsmouth’s 2020 State Legislative Initiatives Package:

- Initial funding request was for \$2.5M annually
- Fund was created with \$2.5M only for FY21
- The General Assembly created a recurring fund in the budget of \$2.5M annually
  - FY2020 Emergency Shelter Upgrade Assistance Fund Portsmouth received an allocation of \$450,000 in state funding from the Commonwealth of Virginia’s Emergency Shelter Upgrade Assistance Fund
  - Appropriation authority for this program is the Code of Virginia Title §44-146.29:3 also known as the “Shelter Upgrade Fund”. The program allows local governments to secure generators and retrofit shelters for citizens across the Commonwealth
  - This funding was used for sorely needed generator upgrades at the Churchland High School Emergency Shelter site

**Below is the list of 2021 Grant Awardees**

Locality	Project Title	Requested Amount from Grant
Portsmouth City	Portsmouth - I.C. Norcom Generator Project	\$450,000
Northampton County	Machipongo Middle School Emergency Generator	\$345,000
Wise County	Wise County shelter generator project	\$139,300
Danville City	Bonner Middle School Backup Power	\$102,200
Mecklenburg County	Clarksville Shelter Generator	\$29,309
Norton City	Community Center Emergency Generator Project	\$36,135
Virginia Beach City	Virginia Beach Housing Resource Center	\$196,490
Pulaski County	Pulaski County Youth Center Shelter Upgrade Project	\$140,000
Botetourt County	Botetourt County Mobile Shelter Generator	\$59,400
Prince George County	CENTRAL WELLNESS CENTER SHELTER UPGRADE	\$75,480
Colonial Heights City	Replace Generator at Colonial Heights Shelter	\$156,200
Goochland County	Goochland County - Central High School	\$207,061
Rappahannock County	Purchase and install generator at local shelter	\$157,402

Charlotte County	Emergency Generators for Drakes Br and Red House	\$24,509
Charles City County	Social Center Shelter Generator	\$85,000
Highland County	Highland County Public Schools Building	\$96,118
Orange County	Back-UP Power for Orange County Emergency Shelter	\$200,397

This grant program has proven to be very popular and quite useful as noted by the list of grant awardees. However, there are counties and towns that are unable to qualify for this assistance because they do not own the shelter, but they do operate them.

***E. § 62.1-132.3:2. Port of Virginia Economic and Infrastructure Development Grant Fund and Program – Increase Fund Level***

**Budget Request:**

The request here is to increase the Port Host Communities Revitalization Fund annually by \$3.5M for a total annual Fund of \$5M. With this increased level of funding, and the potential to receive a grant from the increased IRF, the host cities of the VPA will be better positioned to compete for funding enabling them to carry out their sorely needed economic development projects.

**Background:**

This fund was created through an initiative advocated for by the City of Portsmouth and was a significant legislative achievement in the city’s 2019 State Legislative Initiatives Package. This achievement was reached after several years of developing the concept, collaborating with all the key stakeholders, and reaching agreements. It is a sub fund of the Derelict Structures and Industrial Rehabilitation Fund (IRF) implemented by the Virginia Department of Housing and Community Development. Creation of the HPCR Fund was needed because the criteria for other economic development grants required larger tracks of land to qualify which was not applicable to the older, built-out host cities of the VPA (Portsmouth, Norfolk, Newport News and Richmond). The HPCR Fund was tailored specifically to the needs of the VPA’s host cities. The Fund was initially capitalized at \$1M annually with the first round of grants allocated in 2020:

- Portsmouth received \$500,000 for Project Power:
  - These funds were used for demolition site clearance and preparation of a vacant and blighted industrial site for redevelopment for industrial manufacturing/ warehousing/distribution uses at 1 Wild Duck Lane: and
  - For a demolition site clearance and preparation of a vacant and blighted industrial site for redevelopment for industrial manufacturing/ warehousing/distribution uses at 3599 Progress Avenue
- Newport News received \$250,000 for Phase 1 upgrades to the Menchville Marina aiding Virginia’s oyster industry: and

- Norfolk received \$250,00 for a redevelopment project at the Norfolk Railyard at Lambert's Point

The City of Portsmouth, supported by the other host cities of the VPA, requested the 2020 Session of the General Assembly to increase this fund by \$1M. The Virginia General Assembly approved an increase of \$500,000 for 2021:

- Portsmouth received \$500,000 to redevelop the 51-acre Lovett Point site, which includes the decommissioned BASF Chemical plant, for port-related industrial uses:
  - The site is owned by Thomas Industrial LLC (TI), in partnership with its parent company, Marathon Development Group (MDG). These two entities will work to restore the site. Which will include asbestos abatement, demolition, removal of all existing buildings, foundations, and site preparation to allow for marketing and the redevelopment of the property.
  - MDG and TI will market the property for industrial development to include uses such as warehouse, distribution, logistics, cold storage, and manufacturing.
  - The removal of the derelict and abandoned plant buildings from the property will make valuable industrial real estate available for development.
  - The project is estimated to provide between 50 and 100 permanent new full-time jobs.
- Newport News received \$251,000 for Phase 2 of improvements at the Menchville Marina; and
- Norfolk received \$250,000 to redevelop the vacant Willis Building, a 32-year-old, 57,792-square-foot building on Church Street purchased by the Norfolk Economic Development Authority (EDA) in 2019.
  - The EDA is currently reviewing development proposals, which include the renovation of the building for retail and office space, potentially for the City of Norfolk's Department of Human Services, and for affordable housing
  - Although the project is still in the planning stages, the city anticipates that either proposal will generate at least 20 new jobs

During the 2021 Special Session II of the Virginia General Assembly, the legislators and the Governor increased the IRF with the federal government's American Rescue Plan Act of 2021 (ARPA) funds by \$22.5M, with another \$22M of state General Funds slated in the Governor's FY2022-24 biennium budget

- **No ARPA funding was provided to increase the PHCRF**

- Both the IRF and the PHCRF are essential to providing the necessary support to finance the acquisition, removal, rehabilitation, repair, or demolition of derelict structures critical to the host cities of the VPA's ability to compete for economic development projects
- But due to the traditionally insufficient funding of the IRF by the Virginia General Assembly, competition for these grants was always very great, and Portsmouth never received an IRF grant.
- However, the increased funding into the IRF may enable the city to successfully compete for a portion of these funds as well. The city has identified several key buildings and sites that can be assisted through these programs and can further Portsmouth's development efforts.
- These sites include mixed-use, commercial, and industrial development opportunities. Preliminary assessments have identified a need for \$8 million in funding to ready sites for immediate revitalization or redevelopment.

**LOCAL / REGIONAL / STATEWIDE  
PUBLIC POLICY  
STATEMENTS**

## **1. Increase State Assistance to Local Law Enforcement (599 Funding):**

Almost 70 percent of Virginians live in communities served by police departments. To offset the annexation moratorium over thirty (30) years ago, the Virginia General Assembly created this financial assistance plan for local police departments. However, it has increasingly de-emphasized this funding obligation as a priority but has never compromised on the annexation moratorium. The Virginia General Assembly should honor its commitment to public safety by fully funding the program as stipulated in the Code of Virginia.

*“Comparing Virginia law enforcement expenditure growth in Virginia is a frightening comparison. Our cities have experienced a (negative) 7.1 percentage of growth from FY 2007 to FY 2022. This is compared to state aid for local sheriff’s and for state police appropriations. Consistently, year-after-year, the General Assembly has not funded their obligation as delineated in the annexation moratorium.*

*Further, all our cities are experiencing a massive human resources and workforce development issue concerning our local and valued policemen and women. Our cities cannot compete with state agencies, universities, and other local governments that offer increased pay and consistently poach trained and newly trained police persons. Our police departments were facing workforce development issues before the pandemic and civil unrest. Local police department funding and workforce development issues are even more acute at this point in time.”<sup>3</sup>*

If our state legislators *truly* “Back the Blue”, then they should agree and support restoration of the “599 Funds. Although the one-time bonus of \$500 for sworn officers was helpful, more significant, and sustainable income increases are needed to hire, train, and retain officers needed to combat the rise of gun violence, catalytic convertor thefts, and other crimes. The Governor and the General Assembly *must* fund HB 599 monies for FY23/24 in an amount of at least \$20 million.

## **2. Gun Violence Prevention – Community Prevention Programs:**

In a July 15, 2021, report from Channel 13 News Investigates, entitled “Gun violence in Hampton Roads: Data shows crime correlates with rise in gun ownership, leaders stress safe storage and handling”, the increased gun violence experienced in the Hampton Roads region this summer was examined.<sup>4</sup> The recent socio-political environment has created a sense of fear in the citizens. Hence there has been a sharp increase in gun sales and concealed weapons permits, providing an increased access to guns.

In this article, Chesapeake’s Police Chief, Kelvin Wright, stated “*summer gun violence is a phenomenon all departments are aware of.*” He further stated “... *about 75 percent of the guns his officers recover are either used in a crime or owned illegally by someone*

<sup>3</sup> Virginia First Cities – 2022 Virginia General Assembly Legislative Program

<sup>4</sup> <https://www.13newsnow.com/article/news/local/13news-now-investigates/gun-violence-in-hampton-roads-gun-ownership-storage-handling/291-390f580b-07a6-4c81-b534-df4f17a026e5>

*who's not allowed to have a gun. With violence among young people, it's an age group of about 16 to 25 years of age. However, they've come into possession of firearms, they're not afraid to use them. So, tracking guns and how they move from person to person is crucial."*<sup>5</sup>

Andrew Goddard, a director for a nonprofit working on gun violence prevention, was also quoted in this piece. She stated *"the data shows the concept of "more guns for protection" hasn't been the solution. It sounds reasonable, but it hasn't panned out... We have not seen a reduction in crime. What we have seen is having more people, in more places, with more guns, at more times, leads to more deaths and more injuries. We've got to make it more difficult for criminals to get their hands on the guns in the first place, then we won't need to have all the guns to protect ourselves from the criminals..."*<sup>6</sup>

Chief Wright also stated *"...tougher penalties could be appropriate for people who have and use guns illegally. Plus, safe storage and handling is key, as his department is concerned about how people who are not allowed to have guns, get guns. Citizens who safeguard their property better, that reduces the opportunity for that gun to be stolen and then find its ways into the hands of someone who is going to use it for nefarious purposes."*<sup>7</sup>

On August 11, 2021, the Hampton Roads NAACP held a meeting with the region's Police Chiefs and City Managers.<sup>8</sup> Recommendations agreed to at this meeting included:

- Localities should allocate funding from the American Rescue Plan dollars on gun violence reduction initiatives
- Municipal grants should be offered for grassroots, neighborhood-based organizations that are doing gun violence prevention and reduction work in communities
- Localities should remove institutional barriers or secure fiscal sponsorships to ensure that administrative red tape does not prevent grassroots groups from accessing these resources to continue their work
- Localities should allocate funding and access for community-based mentorship programs
- Localities should allocate funding for mental health community-based supports with credible messengers and outreach workers

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<sup>5</sup> <https://www.13newsnow.com/article/news/local/13news-now-investigates/gun-violence-in-hampton-roads-gun-ownership-storage-handling/291-390f580b-07a6-4c81-b534-df4f17a026e5>

<sup>6</sup> <https://www.13newsnow.com/article/news/local/13news-now-investigates/gun-violence-in-hampton-roads-gun-ownership-storage-handling/291-390f580b-07a6-4c81-b534-df4f17a026e5>

<sup>7</sup> <https://www.13newsnow.com/article/news/local/13news-now-investigates/gun-violence-in-hampton-roads-gun-ownership-storage-handling/291-390f580b-07a6-4c81-b534-df4f17a026e5>

<sup>8</sup> <https://www.wavy.com/news/regional-news/hampton-roads-naacp-to-meet-with-police-chiefs-city-managers-on-recent-uptick-in-gun-violence/>

- Expanded efforts should be made to recruit and train Black and other minorities to become law enforcement officers in their respective communities
- Emphasis should be placed on community-based cultural sensitivity training for local law enforcement office<sup>9</sup>

One way that the commonwealth could assist localities help to reduce gun violence, and successfully implement these recommendations, would be by providing funding assistance. Along with fully funding the HB 599 statute, (state aid to localities with police departments) the Virginia General Assembly should also consider providing a portion of its remaining allocation of the American Rescue Plan Act (ARPA) dollars to localities in the form of matching the grants. These grants would be awarded to community-based organizations providing a state sanctioned mandated registered certificate program to educate gun owners on the proper use, care, and storage of their firearms. These certificates would need to be presented when applying to purchase firearms.

### **3. Catalytic Converter Theft:**

The Pew Charitable Trust published an article on November 4, 2021, entitled “Surging Catalytic Converter Thefts Spur State Crackdowns”.<sup>10</sup> This article highlighted the expanding problem with this type of crime nationwide. According to this article, “*The number of catalytic converter thefts has skyrocketed during the pandemic, driven by high unemployment, more cars sitting in driveways and a spike in the value of the metals used to make the devices, platinum, palladium and rhodium. Rhodium, for example, was selling at \$2,300 an ounce in early January 2019, according to Kitco.com, a precious metals retailer that tracks prices. As of Wednesday, it was \$13,250 an ounce.*”

Across the nation, many state legislatures have taken action to thwart this type of crime, which is lucrative to thieves, but costly to the vehicle owners. A few of the laws passed in other states include:

- Texas, Republican Gov. Greg Abbott signed a bill into law in June that makes it a third-degree felony to buy or sell stolen catalytic converters. Sellers must provide proof of ownership and other information to metal recycling centers
- Oregon, a measure goes into effect in January that prohibits scrap metal businesses from buying or receiving catalytic converters except from commercial sellers or the vehicle’s owner. It also sets new recordkeeping requirements for transactions
- Minnesota, legislators agreed to spend \$400,000 to create a pilot program that will pay for car owners to have their converters engraved with vehicle identification numbers or permanently marked so the parts could be identified if removed<sup>11</sup>

<sup>9</sup> <https://www.wavy.com/news/regional-news/hampton-roads-naacp-to-meet-with-police-chiefs-city-managers-on-recent-uptick-in-gun-violence/>

<sup>10</sup> [Surging Catalytic Converter Thefts Spur State Crackdowns | The Pew Charitable Trusts \(pewtrusts.org\)](#)

A similar program such as the one in Minnesota was conducted in October of 2021 jointly by the Hampton and Newport News, Virginia Police Departments.

The Portsmouth City Council supports legislation tailored after language included in a recently passed law in North Carolina and urge the Virginia General Assembly to amend Virginia Code § 18.1-108.01 to reflect language in North Carolina's Code § 14.72-08 relating to Felony Larceny of Motor Vehicle Parts.

## **5. Broadband Access (Unserved/underserved communities)**

The COVID-19 pandemic drew attention to the fact that internet connectivity is a necessity like any other utility, rather than a desire. During the 2020 Special Session 1 of the Virginia General Assembly, bills and budget amendments were introduced that would have allowed municipalities or authorities like Portsmouth, the ability to expand services to underserved communities within their jurisdiction, as well as access VATI funds without requiring a private provider (SB5115)<sup>[1]</sup>. While this legislative initiative did not pass, efforts were made in the FY21-FY22 Reenrolled Budget Bill (HB5005) the Virginia Initiative to Support Internet Outside of School Networks (VISION) program was established as a short-term means to address this problem. This program supported technology needs and internet access for virtual learning because of extended school closures and modified school schedules. A combination of funding streams was used to establish this program:

- \$26,900,000 – Federal CARES Act
- \$18,000,000 – Governor's Education Emergency Relief (GEER) funds, and
- \$8,900,000 – EER funds previously allocated to support longer-term access initiatives

Also included in the Reenrolled Budget Bill (HB5005) was language directing the Broadband Authority Council to “*assess updating the VATI to allow for public broadband authorities to apply directly for VATI funds without investment from the private sector.*”<sup>[2]</sup>

The budget language further directed the Department of Housing and Community Development on behalf of the Broadband Advisory Council to provide feedback on the potential impacts of this policy change to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees on or before the start of the 2021 General Assembly Session.

On December 4, 2020, the Broadband Advisory Council met to address the above referenced Budget Language, and what their recommendations would be to the Chairs of the House Committee on Appropriations, and the Chair of the Senate Finance and Appropriations. Three options were considered:

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<sup>11</sup> [Surging Catalytic Converter Thefts Spur State Crackdowns | The Pew Charitable Trusts \(pewtrusts.org\)](https://www.pewtrusts.org/en/research-and-analysis/articles-essays/2020/04/surging-catalytic-converter-thefts-spur-state-crackdowns)

<sup>[1]</sup> <https://lis.virginia.gov/cgi-bin/legp604.exe?202+oth+SB5115F122+PDF>

<sup>[2]</sup> 2020 Special Session 1 – “Budget Bill – HB5005 (Reenrolled) – Item #114 subsection L-5

- A. The Broadband Advisory Council may recommend the VATI guidelines remain the same in requiring a public-private partnership. Public broadband authorities can continue to apply through a partnership with a private sector partner that owns and operates the project.
- B. The Broadband Advisory Council may recommend a change to the budget language in which public broadband authorities can apply directly for VATI funds without investment from the private sector or requirement of private ownership and operation.
- C. The Broadband Advisory Council may recommend the General Assembly consider directing the Department of Housing and Community Development create a pilot program within VATI, with awards not to exceed 10% of total available VATI funds in FY22, to which public broadband authorities may apply without investment from the private sector.

After a lengthy discussion, and public testimony, the Council voted to advance option “C”. They stated that this was a good start and could eventually become option “B” if more money is allocated to VATI.

The Council pointed out that for the current round of VATI funding, they only had \$50 million to allocate, but received applications totaling more than \$105 million. They furthermore pointed out that the original purpose of VATI was to help to provide access for those who have no access at all. It was not set up to address issues of affordability, telemedicine, or Chromebooks, etc. It was pointed out that if the legislators accept their recommendation, the next round of VATI funding of \$35 million, would only net the new pilot program \$3.5 million (10% of available VATI funds). The current rules for the VATI program require a minimum of a 20% grant match either from the locality, the Authority, the private provider, or a combination of all three. The greater the amount of the match offered, the greater the chances of being approved for the grant. In the last round of VATI funds applications that were awarded provided 50%-55% of the required match with the highest being 60%. The Council also stated at this time, there are only four Authorities statewide that would be able to apply for the funding directly through the newly proposed pilot program. The current VATI rules, would also apply to the newly proposed pilot program which includes:

- The Broadband Authority has been in business for over two-years
- The required match will be the same percentage as if they were applying in conjunction with a private provider

While this was a step in the right direction, it remains a very small one. The parameters proposed for the pilot program eliminated any possibility of the Portsmouth Broadband Authority becoming a viable entity to compete for funding, being that it was only established by Portsmouth City Council in 2020.

Several of testimonies from the public pressed for the second option rather than the third (pilot program) and two of the Council members also voted for the second option. If we have learned anything from the current COVID-19 pandemic, it is that access to

the internet is a necessary utility, not a luxury. While the City of Portsmouth supported the recommendation of the Council, what was really needed was for the Virginia General Assembly to sufficiently increase the VATI funding and rather than the pilot program, go with option “B” allowing broadband authorities to apply directly for VATI funds without investment from a private provider, and relax the 2-year business operation requirement.

In 2021, the Virginia General Assembly and Governor Northam allotted \$150 million in federal funds (American Rescue Act Plan) to VATI with another \$150 million slated to be added in the FY22-24 biennial budget. However, direct access to these funds by Broadband Authorities, like Portsmouth’s remains obstructed because we still do not meet the criteria set by the VATI Council. Broadband Authorities like Portsmouth’s should be given an opportunity to compete for these funds without a private provider so we can provide this sorely needed service to our undeserved and unserved citizens.

It is a fact that underserved, and unserved citizens of the commonwealth are not simply located within rural regions, but they also reside in suburban and urban geographic areas. The need of broadband connectivity knows no geographic boundaries and should be addressed in a manner of non-exclusion. Additionally, Portsmouth would support mutual agreements with private providers, so as not to become a direct competitor, whereby affecting the business viability.

In conclusion, the allowance of VATI funding to Broadband Authorities would allow citizens of the commonwealth the access to a critical utility enabling viable communications.

## **6. *Increase K-12 – Removal of cap on SOQ Non-Support Positions***

This is an ongoing issue between the state and local governments. The state consistently does not recognize the true cost of education which according to their own formula should take into consideration full operating costs. These costs are broken down on a statewide level as 55% state and 45% local funding. However, the Standards of Quality (SOQ’s) do not factor in the true costs of public education such as:

- Pupil transportation
- School Support Staff
- Broadband and other technology provisions and updates
- Instructional staff salaries
- Most school construction and renovation costs

Local governments’ match more than is required for basic state education dollars, pay most of public school’s capital costs, and struggle to find scarce local tax dollars to keep up the demands for meeting additional and expanding state requirements. In addition to creating 21<sup>st</sup> century learning environments for our children to master the challenges of tomorrow’s workplace. Especially with the impact of COVID-19 on our school systems, and the average daily attendance or ADM not being applicable in 2020 with children being educated virtually. Our schools should not lose funding but instead receive level-funding from the state. Moving forward past the current pandemic, when re-

benchmarking the Virginia General Assembly should factor in the true cost of education and more equitably shoulder this cost with local governments.

### **7. *School Facility Modernization***

The severe need to upgrade public schools, not only in Portsmouth, but in many regions around the commonwealth of Virginia still exists. Each year that passes, our schools continue to age-out with many of them already surpassing their useful age of 50-years. Local governments continue to do our best to maintain them by repairing old and outdated buildings and their infrastructure. However, in many cases, these actions are no longer financially feasible. Old HVAC systems, leaking roofs, mold, dimly lit classrooms, small hallways, lack of auditoriums, lunchroom spaces, as well as technology challenges merits these buildings being demolished and rebuilt. The City of Portsmouth, and the Portsmouth School Board support requests our state legislators to identify for funding public school construction and renovations costs.

### **8. *Transit/Transportation Funding***

The City of Portsmouth supports implementation of the 3<sup>rd</sup> Amtrak passenger service to Norfolk by December 11, 2022. Funding for the Environmental Impact Statement (EIS) between Hampton Roads and Richmond to enhance rail service, improve speed and reliability. We furthermore support:

- Increased state funding for the Hampton Roads Accountability Commission (HRTAC) for the Hampton Roads Express Lanes (HRELN) network
- The Virginia General Assembly finding a sustainable solution to mitigate tolls and to bring the Elizabeth River Tunnels system under public control as part of the regions' managed lane network
- A sustainable source of funding for transportation to meet the growing transportation needs of the Commonwealth is needed. While we are very appreciative of the new resources and initiatives provided by the Virginia General Assembly with the passage of SB890 and HB1414 during the 2020 General Assembly Session. We also realize that transportation funding is and will be, an ongoing challenge for our region
- The new regional transit funding provided by the 2020 Virginia General Assembly is very much appreciated and welcomed. We also support additional state funding for transit, including funding for state of good repair, equipment, and facilities as well as to provide for service expansion

COVID-19 pandemic has been especially hard on our transit system, impacting the fare box due to decreased ridership. The federal CARES Act funding has been a great help with the extra costs being incurred for personal protective equipment (PPE's). However, without Congress passing an extension, or a second CARES Act, the funding gap will have to be filled by local governments, whose coffers are already strained from the loss of sales tax revenues, utility payments, real and personal property taxes due to

COVID-19. It is imperative that the Virginia General Assembly identify funds to assist our transit agencies.

### **9. Preserving and Expanding Tree Canopy:**

Support legislation providing local governments greater authority in the reforestation, preservation, and management of urban forests in recognition of their ability to capture and store carbon, reduce stormwater runoff, improve air quality, reduce energy use, and mitigate urban heat islands and their health effects.

In addition, appropriate \$50M to the Department of Forestry's Urban and Community Forestry Program to enable local governments to expand and better maintain urban tree canopy.

### **10. Communications Sales and Use Tax (CSUT)**

For the past several years, the City of Portsmouth has advocated for the return of the transfers to the state general fund. These transfers do not align with the purposes stated in the Code of Virginia for the use of this stream of revenue. This tax was initially enacted to establish a statewide tax rate and to preempt local taxes on communications sales and services. At this juncture in time, this revenue stream barely produces enough revenue being that landlines are nearly non-existent. The state has refused to raise the tax rate to the same level as the state sales tax rate and has opposed broadening the coverage of the tax to include the new consumer mainstream for audio, video streaming services, and prepaid calling cards. Therefore, without these changes being made to the CSUT, the lesser amount received by localities due to the state taking a portion off the top, only serves to further hamper local government's revenue streams.

### **11. Virginia Freedom of Information Act – Remote Participation**

The COVID-19 pandemic and the Governor's Emergency Order allowing for virtual conduction of and participation in meetings opened the door to seeing new pathways for citizen and elected officials to participate in governance without an in-person presence. While some may see this as problematic due to the immediate lack of access to elected officials, and or networking capabilities, on the other hand, it proved to be a more efficient means to conduct the business of the state, local governments, Boards, Commissions, and citizen participation. It was also good for the environment by lessening carbon transmissions from vehicles traversing our roadways. The Portsmouth City Council supports the use of electronic meetings, expanding their usage outside of the current regulations, as well as outside of declared emergency periods with flexibility for localities to determine how to include public participation and public comment.

### **12. Creation of the Virginia Commonwealth Flood Board (CFB)**

The nation is continuing to experience mounting damages and insurance losses to increasing natural hazard events. Flooding is the most expensive disaster type due to the devastation caused by repetitive flooding. Now the National Flood Insurance

Program 2.0 and private insurance companies are raising the rates for the millions of older high flood risk buildings in our flood zones. The Hampton Roads region has an estimated 30,000 of these buildings. The flood insurance premium rates are going to be unsustainable and will ultimately lead to the devaluation of properties. But there is a solution.

Flood mitigation projects of elevation and dry flood proofing are proven methods of reducing flood risk, preserving property values, and creating good jobs in all the construction trades. The real issue for our flood mitigation industry has always been the lack of funding and or financing for these projects. The banks are limited in loaning to property owners by what is known as the "loan to value" ratio of 80%. Federal grant programs are inconsequential in getting numbers of these buildings' retro fitted so they don't flood. What we have needed is a new way to finance these projects with a long-term low-interest payback for property owners.

For the last half dozen years, the insurance industry has been working with Congress to create a revolving loan program for flood, wind, fire, and earthquake natural hazards to retro fit projects. In January 2021 the STORM Act - Resilience Revolving Loan Program was signed into law and Congress has proposed up to \$1 billion in startup funding for FEMA to write the program administrative rules and get the program started. The program got a \$500 million appropriation, in the Infrastructure Bill, to get the program started at FEMA.

The challenge of flooding is a statewide issue which requires the needed resources, staff, and organizational structure to ensure that Virginia can address this issue in an ongoing, holistic, and collaborative manner. The CFB would direct and prioritize state and federal funding for flood mitigation, ensure collaboration and alignment among State agencies, and coordinate flood mitigation planning and adaptation efforts. The CFB would be like the Commonwealth Transportation Board which meets on a regular basis to address transportation needs and issues in Virginia. The CFB would serve a similar role for statewide flooding issues.

Legislation being proposed nationally by the National Conference of Insurance Legislators (NCOIL) for a Resilience Loan Program to include a forgivable provision for the income disadvantaged property owners could be passed in Virginia and implemented by the CFB.

**2022 GENERAL ASSEMBLY  
LEGISLATIVE PACAKAGES  
ENDORSEMENTS**

## **2022 Endorsements for Affiliate Organizations' Legislative Packages:**

*The Portsmouth City Council in general and for the most part, endorses and supports many of the initiatives included in the legislative packages of several of our affiliate organizations to include, but not limited to those listed below.*

- Hampton Roads Planning District Commission
- Hampton Roads Transportation Planning Organization
- Hampton Roads Transit
- Treasurers' Association of Virginia
- Virginia Commissioner of Revenues Association
- Virginia First Cities
- Virginia Library Association
- Virginia Municipal League
- Virginia Port Authority
- Virginia School Boards Association
- Virginia Community Criminal Justice Association

*Furthermore, we empower our City Manager and her designee/s to represent the City's interests on all matters pertaining to these and any other legislative and budgetary initiatives that impact the City of Portsmouth.*

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